

SUMMARY STATEMENT

Windom v. State, Docket No. 44037-2016

The Idaho Supreme Court vacated the judgment and remanded the case to the district court. This is an appeal out of Ada County from a judgment dismissing a petition for post-conviction relief after the district court denied a motion to amend the petition to raise a claim that petitioner, who had been sentenced to life without parole for murdering his mother when he was a juvenile, was entitled to be resentenced pursuant to the United States Supreme Court's decision in *Montgomery v. Louisiana*, ___ U.S. ___, 136 S. Ct. 718 (2016). The district court denied the motion to amend on the ground that *Montgomery* did not apply to the petitioner because he had not been sentenced to a mandatory fixed-life sentence and because, if *Montgomery* did apply, the sentence would be upheld. We vacate the judgment of dismissal, hold that the sentencing was not in conformity with the requirements of *Montgomery*, reverse the order denying the petitioner's motion to amend, and remand this case for further proceedings.